

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 11 and 12, claims 13 to 25 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Title**

While the Office Action does not expressly object to the Title, Applicants have amended the Title herein without prejudice as suggested.

### **III. Abstract**

While the Office Action does not expressly object to the Abstract, the Office Action suggests certain additional language. It is respectfully submitted that the Abstract as filed includes sufficient content to allow "a reader . . . to determine quickly from a cursory inspection of the nature and gist of the technical disclosure." M.P.E.P. § 608.01(b). Thus, it is believed and respectfully submitted that the Abstract fully complies with the requirements of 37 C.F.R. § 1.72(b).

### **IV. Objections to the Drawings**

As regards the objections to the drawings, the Examiner will note that Figure 2 has been amended herein to insert reference numerals 13, 29, 34 and 36 and that Figure 6 has been amended herein to insert reference numeral 29. No new matter has been added. Regarding the suggested insertion of reference numeral 31 in Figure 2, it is respectfully submitted that such addition is unnecessary, particularly in view of the illustration of connector 31 in Figure 4. Regarding the suggestion that an edge of connector 52 should be shown in Figure 21, in the position illustrated in Figure 21, an edge of connector 52 would not be visible. Regarding reference

numeral 37 in Figure 4, the Examiner will note that the Specification has been amended herein to change “37 Cooling vanes” to --37 Connecting terminals--. As such, it is respectfully submitted that the objection to Figure 4 is moot.

In view of all of the foregoing, it is respectfully submitted that the present objections have been obviated, and withdrawal of these objections is respectfully requested.

**V. Rejection of Claims 13, 16 to 20 and 22 Under 35 U.S.C. § 112**

As regards the contention that claims 13, 18 and 22 are improperly expressed in the alternative, it is believed and respectfully submitted that there is nothing unclear with respect to these claims. The definiteness requirement of 35 U.S.C. § 112, second paragraph merely requires that “the claims set out and circumscribe a particular subject matter with a **reasonable degree of clarity and particularity**.” M.P.E.P. § 2173.02. The present claims fully satisfy this requirement. Indeed, “[a]lternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims.” M.P.E.P. § 2173.05(h). It is respectfully submitted that the present claims present no uncertainty or ambiguity and are therefore proper.

Notwithstanding the foregoing, claims 13 and 22 have been amended herein without prejudice to address the contention that certain features are recited without antecedent basis.

Regarding claim 16, it is believed and respectfully submitted that the suggested modification to claim 16 is not necessary for definiteness of claim 16.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claims 11 to 15, 21, 24 and 25 Under 35 U.S.C. §§ 102(b) or 103(a)**

Claims 11 to 15, 21, 24 and 25 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,065,278 (“Schultz”) or, in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Schultz. It is respectfully submitted that Schultz does not anticipate or render unpatentable the present claims as amended herein for at least the following reasons.

As an initial matter, claims 11 and 12 have been canceled herein without prejudice, thereby rendering moot this rejection with respect to claims 11 and 12.

Regarding the remaining claims, the Examiner will initially note that claim 21 has been amended herein without prejudice to recite that a field device includes a housing and at least one electronics insert arranged inside the housing. Claim 21 as presented recites that the housing includes a housing part arranged as a hood, the hood including at least one opening in at least one direction, the housing including-at least one connection box including at least one opening in the at least one direction of the at least one opening of the hood. Claim 21 as presented further recites that the connection box includes a first plug-in connector and the electronics insert includes a second plug-in connector, and that the first plug-in connector and the second plug-in connector forms a plug-in connection between the connection box and the electronics insert. No new matter has been added.

Referring to the Figures of Schultz, it is plainly apparent that hinged half 14, which the Office Action contends constitutes a hood, does not include an opening in the direction of an opening of hinged half 16, which the Office Action contends constitutes a connection box. Furthermore, Schultz does not disclose, or even suggest, that hinged half 16, which the Office Action contends constitutes a connection box includes a plug-in connector that forms a plug-in connection with a plug-in connector of time delay circuitry 22, which the Office Action contends constitutes electronics. Thus, based on the foregoing, it is plainly apparent that Schultz does not disclose, or even suggest, all of the features included in claim 21. As such, it is respectfully submitted that Schulz does not anticipate or render unpatentable claim 21.

As for dependent claims 13 to 15, 24 and 25, which depend from claim 21, it is respectfully submitted that Schulz does not anticipate or render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **VII. Rejection of Claims 21 to 25 Under 35 U.S.C. §§ 102(b) or 103(a)**

Claims 21 to 25 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,108,202 ("Sumida") or, in the alternative, under 35 U.S.C. §

103(a) as unpatentable over Sumida. It is respectfully submitted that Sumida does not anticipate or render unpatentable the present claims for at least the following reasons.

As more fully set forth above, claim 21 as presented recites that a field device includes a housing and at least one electronics insert arranged inside the housing. Claim 21 as presented recites that the housing includes a housing part arranged as a hood, the hood including at least one opening in at least one direction, the housing including—at least one connection box including at least one opening in the at least one direction of the at least one opening of the hood. Claim 21 as presented further recites that the connection box includes a first plug-in connector and the electronics insert includes a second plug-in connector, and that the first plug-in connector and the second plug-in connector forms a plug-in connection between the connection box and the electronics insert.

The Office Action contends that fusible link box 8 constitutes a connection box and that electronic control unit constitutes an electronics insert. However, the fusible link box 8 does not have an opening in the direction of an opening of the body 2, which the Office Action contends constitutes a housing. Furthermore, fusible link box 8 and body 2 do not form a housing. In addition, there is no plug-in connector of the fusible link box 8 that connects with a plug-in connector of the electronic control unit to form a plug-in connection. As such, it is readily apparent that Sumida does not anticipate or render unpatentable claim 21.

As for claims 22 to 25, which depend from claim 21, it is respectfully submitted that Sumida does not anticipate or render unpatentable these dependent claims for at least the reasons more fully set forth above.

#### **VIII. Rejection of Claims 11 to 13 and 17 to 20 Under 35 U.S.C. §§ 102(b) or 103(a)**

Claims 11 to 13 and 17 to 20 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,327,530 (“Bush”) or, in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Bush. It is respectfully submitted that Bush does not anticipate or render unpatentable the present claims for at least the following reasons.

As an initial matter, and as indicated above, claims 11 and 12 have been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claims 11 and 12.

Claims 13 and 17 to 20 now ultimately depend from claim 21. Bush was not relied upon in any rejection of claim 21. As such, it must be concluded that the Office Action's position is that Bush does not anticipate or render unpatentable claim 21. Thus, it is respectfully submitted that because claim 21 was not rejected based on Bush, dependent claims 13 and 17 to 20 are patentable over Bush.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IX. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



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By: / \_\_\_\_\_ /

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